

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1201

AN ACT

To amend chapter 547, RSMo, by adding thereto one new section relating to post conviction release.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 547, RSMo, is amended by adding thereto one new section, to be known as section 547.380, to read as follows:

547.380. 1. Under Missouri supreme court rule 91, a petitioner may assert that he or she is factually innocent of the offenses for which he or she was convicted. To assert a claim of actual innocence, the petitioner shall establish, by clear and convincing evidence:

(1) That there exists newly discovered, admissible evidence that could not have been previously discovered through the exercise of due diligence; and

(2) That no reasonable factfinder would have found the petitioner guilty of the offense or offenses.

2. The records of the petitioner's trial, appeal, and post-conviction proceedings under Missouri supreme court rules 24.035 or 29.15, shall be admitted into evidence if offered by either party.